

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

RUSSELL ADAMS, #850487,

Plaintiff,

v.

LORIE DAVIS, *et al.*,

Defendants.

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Case No. 6:19-CV-47-JDK-KNM

**ORDER ADOPTING REPORT AND RECOMMENDATION**

Plaintiff Russell Adams, a prisoner currently confined in the Texas prison system, proceeding pro se and in forma pauperis, filed this action, which was referred to United States Magistrate Judge K. Nicole Mitchell for screening and review pursuant to 28 U.S.C. § 1915A. Docket Nos. 1 & 3.


Judge Mitchell issued a Report and Recommendation concluding that Plaintiff's claims for money damages against the Defendants in their official capacities should be dismissed because they are barred by the Eleventh Amendment. Docket No. 13. The Report further recommended that the claims against Director Lorie Davis, Warden Jeffrey Catoe, and Assistant Warden Michael Britt should be dismissed with prejudice because Plaintiff's complaint did not state that these Defendants participated in the alleged acts of misconduct as supervisory officials. *Id.* The Report also recommended that Plaintiff's request for injunctive relief in the form of a unit transfer should be denied because Plaintiff has no constitutionally protected right to placement in a particular facility or prison and prison administrators are to be accorded wide-ranging deference in their placement procedures. *Id.* Finally, the Report recommended that Plaintiff's medical deliberate indifference claims against Defendants George O. Richard, Brandon E. Newell, and Dr. Paul W. Shrode should

be allowed to proceed because Plaintiff's complaint properly stated a claim upon which relief could be granted. *Id.*

The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations, has been presented for consideration, and no objections having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts the same as the findings and conclusions of the Court. It is therefore

**ORDERED** that the Report and Recommendation (Docket No. 13) is **ADOPTED**. It is **ORDERED** that Plaintiff's claims for money damages against the named defendants in their official capacities, the claims against Director Lorie Davis, Warden Jeffrey Catoe, and Assistant Warden Michael Britt, and the claim for injunctive relief are **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. § 1915A(b)(1). Plaintiff is allowed to proceed with his medical deliberate indifference claims against Defendants George O. Richard, Brandon E. Newell, and Dr. Paul W. Shrode.

So **ORDERED** and **SIGNED** this **11th** day of **June, 2019**.

  
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JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE